

Message Text

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ACTION NEA-06

INFO OCT-01 SS-14 ISO-00 SCS-01 SCA-01 L-01 SY-02 INR-05

CIAE-00 H-01 DRC-01 RSC-01 /034 W

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R 131621Z OCT 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 4494

C O N F I D E N T I A L NEW DELHI 13706

LIMDIS

FOLNG FROM CALCUTTA DATED 13 OCT.

QUOTE: CALCUTTA 2184

LIMDIS

E.O. 11652: GDS

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

REF: CALCUTTA 2162

1. CHARGES FRAMED: AT OCT. 11 SESSION, PRESIDING JUDGE PROCEEDED TO FRAME CHARGES AGAINST HARCOS AND FLETCHER. HE DID NOT RPT NOT READ THE CHARGES OUT, BUT GAVE THE PRISONERS A DOCUMENT CONTAINING THE CHARGES. AFTER THEY HAD READ THE DOCUMENT HE ASKED THEM TO PLEAD. THEY PLEADED NOT RPT NOT GUILTY.

2. THE PROSECUTION OBJECTED TO THE JUDGE'S EXPRESSED INTENT TO GIVE A COPY OF THE DOCUMENT TO DEFENSE LAWYERS. WE WERE INITIALLY QUITE CONCERNED ABOUT THIS DEVELOPMENT, BUT WHEN I SAW DEFENSE LAWYER BHOSE AT A SOCIAL FUNCTION ON OCT 12, HE TOLD ME HE HAD SUBSEQUENTLY BEEN ABLE TO READ THIS DOCUMENT ALTHOUGH NOT RPT NOT TO RETAIN A COPY.

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3. BHOSE WAS UNABLE IN THAT SETTING TO GO INTO DETAIL, BUT

HE DID SAY THE CHARGES WERE WHAT EARLIER DOCUMENTATION OF THE PROSECUTION'S CASE (IN VARIOUS APPEAL PETITIONS ETC.) HAD LED HIM TO EXPECT, I.E., CONSPIRACY TO COMMIT ESPIONAGE ON BEHALF OF AN UN-NAMED ENEMY COUNTRY.

4. TRIAL DATE SET: ALSO ON OCT. 11 THE PRESIDING JUDGE SET THE TRIAL DATE FOR DEC. 16, 1974. THIS IS OVER A MONTH AFTER POST HOLIDAY RESUMPTION. BHOSE TOLD ME ON OCT. 12 THAT THIS WAS DONE IN ORDER TO GIVE ADEQUATE TIME FOR SUMMONING OF WITNESSES. WHILE HE WAS DISAPPOINTED THAT IT WAS NOT SET AT AN EARLIER DATE HE DID NOT RPT NOT APPEAR TO THINK IT AN UNREASONABLE DELAY.

5. BHOSE EXONERATED: THE JUDGE RULED ON OCT 11 THAT BHOSE DID NOT VIOLATE THE IN-CAMERA RULING BY TAKING NOTES ON THE DOCUMENTATION OF PROSECUTION'S CASE (CALCUTTA 2163). THE JUDGE SAID THAT THIS WAS DONE IN HIS OWN PRESENCE AND IN THE PRESENCE OF THE PROSECUTION AND IN NO WAY VIOLATED THE RULING. BHOSE ON OCT 12 EXPRESSED COMPLETE SATISFACTION WITH THE OCT 11 RULING.
PICKERING UNQUOTE MOYNIHAN

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30 JUN 2005

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